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Attorneys for Defendants & Appellants THEODORE KOLB,  
RUTH GLOBERSON, FELIX KOLB, and for Beneficiaries  
JONATHAN KOLB, RICHARD KOLB and DOUGLAS KOLB

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re

Case No. C 06-06035 SI

THEODORE A. KOLB,  
Debtor.

**STIPULATION AND [PROPOSED]  
ORDER VACATING CLERK'S NOTICE  
OF BRIEFING ON APPEAL**

ROBERT M. CASSEL, on behalf of this  
Chapter 11 Estate, and UECKER &  
ASSOCIATES, INC., Liquidating Trustee,

The Honorable Susan Illston

Plaintiffs,

v.

RUTH P. GLOBERSON, FELIX O. KOLB,  
THEODORE KOLB, JONATHAN KOLB,  
RICHARD KOLB, and DOUGLAS KOLB,

Defendants.

WHEREAS, on September 13, 2006, Defendants Theodore A. Kolb, Ruth Globerson, Felix O. Kolb, Jonathan Kolb, Richard Kolb and Douglas Kolb filed in the Bankruptcy Court a motion for order granting permission to file an interlocutory appeal under 28 U.S.C. §158(a) or (b) from the Order of the Bankruptcy Judge, the Honorable Dennis Montali, denying Defendants' motion for reconsideration entered on August 15, 2006, which motion is pending before the District Court, and

WHEREAS, on September 25, 2006, Plaintiffs Robert M. Cassel, on behalf of this Chapter 11 Estate and Uecker & Associates, Inc., Liquidating Trustee, filed a Notice of Cross-Appeal from the Order of the Bankruptcy Court denying Plaintiffs' motion for reconsideration entered on August 15, 2006, which is also pending before the District Court, and

WHEREAS, under Notice of Briefing dated January 3, 2007, the Clerk of the District Court issued a briefing schedule on said appeal and cross-appeal, in advance of the District Court's ruling granting permission to file such interlocutory appeals, and

WHEREAS, the Clerk's briefing schedule will require the interlocutory appeals to be briefed before the Court rules on the pending motions to file the interlocutory appeals, potentially causing the parties to incur unnecessary legal expenses briefing the appeals. The parties believe that vacating such briefing schedule pending the District Court's rulings on the motions, is in the best interests of the parties and Court,

THEREFORE, the parties stipulate and respectfully request the Court to order the Clerk's briefing schedule vacated and a new briefing schedule to be set in the event the District Court grants either or both of the parties' motions for permission to file interlocutory appeal.

IT IS SO STIPULATED.

*Sanchez*  
Dated: ~~December~~ 11, 2006<sup>7</sup>

McQUAID BEDFORD & VAN ZANDT LLP

By: 

Neil R. Bardack

Attorneys for Defendants and Appellants RUTH GLOBERSON, THEODORE A. KOLB, FELIX KOLB, and for Beneficiaries JONATHAN KOLB, RICHARD KOLB and DOUGLAS KOLB

IT IS SO STIPULATED.

*Sanchez*  
Dated: ~~December~~ JANUARY 11, 2007<sup>8</sup>

LAW OFFICES OF JOHN POPPIN

By: 

John Poppin

Attorneys for Plaintiffs and Cross-Appellants ROBERT M. CASSEL, on behalf of this Chapter 11 Estate, and UECKER & ASSOCIATES, INC., Liquidating Trustee

[PROPOSED] ORDER

For good cause appearing, the Court hereby orders that the present briefing schedule issued by the Clerk in the above referenced appeals is hereby vacated. In the event that either motion is granted, the Court will order a new briefing schedule.

IT IS TO ORDERED

DATED: \_\_\_\_\_

By:   
The Hon. Susan Illston  
Judge of the United States District Court.

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